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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,457	09/18/2001	Yuichiro Konishi	010742	6329

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WASHINGTON, DC 20006

EXAMINER
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CHEVALIER, ALICIA ANN

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 11/10/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/856,457

Applicant(s)

KONISHI ET AL.

Examiner

Alicia Chevalier

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 and 9-11 is/are pending in the application.
- 4a) Of the above claim(s) 10 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **RESPONSE TO AMENDMENT**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I (claims 1-9) in Paper No. 9 is acknowledged.

### ***WITHDRAWN REJECTIONS***

2. The 35 U.S.C. 112, 102 and 103 rejections of record in paper #6, pages 3-10, paragraphs #6-13 have been withdrawn due to Applicant's amendment in paper #9.

### ***NEW REJECTIONS***

3. **The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.**

### **Examiner's Comment**

4. The term "soft polymer" is taken to mean a polymer having a glass transition temperature (T<sub>g</sub>) of not more than 30 °C, as defined in Applicant's specification on page 23, lines 18+.

### ***Claim Rejections - 35 USC § 102***

5. Claims 1-7 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by WO99/57602.

Art Unit: 1772

Since, WO99/57602 is in Japanese the Examiner has relied on the English equivalent US 6633722 B1 for the translation, here after referred to as Kohara.

Regarding claim 1, Kohara discloses a light guide plate, characterized by comprising an incidence face into which light from a light source is introduced, an emission face intersecting with said incidence face, from which light introduced from the incidence face is emitted, and a nonincidence face side facing to said incidence face side (*see figure 2*); and being obtained by melt molding a soft polymer (*col. 9, lines 20-31*) and a thermoplastic resin containing alicyclic structure having a melt flow rate of at least 50 [g/10min.] under a load of 2.16 kgf at 280 °C (*col. 4, line 49 bridging col. 9, line 19*).

Regarding claim 2, the light guide has a sectional shape becoming gradually thinner from a side of said incidence face to a side of a nonincidence face (*see figure 2*).

Regarding claim 3, the length of a diagonal of said emission face at least 10 inches (*col. 4, lines 15-46*).

Regarding claim 4, the thickness of said incidence face is not more than 5 mm and the thickness of said nonincidence face is not more than 4 mm (*col. 4, lines 15-46*).

Regarding claim 5, a reflecting face facing said emission face is formed with grooves as a pattern of fine shapes (*see figure 2*).

Regarding claim 6, said thermoplastic resin containing alicyclic structure has a 50% breaking energy of at least 0.01 J in a drop-weight test, measured for a 3 mm thick plate of the same using a missile weight of a radius of  $\frac{3}{4}$  inch (*col. 4, line 49 bridging col. 9, line 19*).

Regarding claim 7, said thermoplastic resin containing alicyclic structure has a glass transition temperature of at least 70 °C (*col. 8, lines 47-53*).

Art Unit: 1772

Regarding claim 9, said thermoplastic resin containing alicyclic structure is a norbornene-base polymer (*col. 4, line 49 bridging col. 9, line 19*).

### ***ANSWERS TO APPLICANT'S ARGUMENTS***

6. Applicant's arguments filed in paper #9 regarding the 35 U.S.C. 112, 102 and 103 rejections of record have been considered but are moot since the rejections have been withdrawn.

7. Applicant's arguments filed in paper #9 regarding the Declaration are found persuasive, but are moot in view of the new 102(e) rejection.

Specifically, the Examiner finds that Applicant's have shown that light guides comprising an incidence face into which light from a light source is introduced, an emission face intersecting with said incidence face, from which light introduced from the incidence face is emitted, and a nonincidence face side facing to said incidence face side; and being obtained by melt molding a soft polymer and a thermoplastic resin containing alicyclic structure having a melt flow rate of at least 50 [g/10min.] under a load of 2.16 kgf at 280 °C does have the unexpected result of a higher Luminance maintaining rate, see Table 1 on page 11 of the Declaration. If Applicant is able to overcome the present 102(e) rejection of record, the claims as presently amended may be allowable.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 1772

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (703) 305-1139. The Examiner can normally be reached on Monday through Thursday from 8:00 a.m. to 5:00 p.m. The Examiner can also be reached on alternate Fridays

If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Harold Pyon can be reached by dialing (703) 308-4251. The fax phone number for the organization official non-final papers is (703) 872-9306. The fax number for after final papers is (703) 872-9311.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose phone number is (703) 308-0661.

ac

11/2/03



HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
11/2  
11/3/03